

REMARKS

Claims 1-14 and 16-20, 22-26 are currently pending in this application.

Claims 1, 8, 14, 19 and 23 are in independent format.

Claims 1-14 and 16-20 have been amended.

New claims 22-26 have been added

I. Rejection of Claims 1-4, 8, 10, 14, 17, 19 and 20 under 35 U.S.C. § 102(b)

The rejection of Claims 1-4, 8, 10, 14, 17, 19 and 20 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,579,752 to *Nelson et al.* ("the '752 *Nelson* reference") is respectfully traversed.

The Examiner's stated basis for the rejection of Claims 1-4, 8, 10, 14, 17, 19 and 20 as being anticipated by the '752 *Nelson* reference is that the '752 *Nelson* reference discloses a sight groove having a length longer than a width.

The M.P.E.P. provides at §2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in ... claim." *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicant submits that that a *prima facie* case of anticipation is established when the Examiner provides: a single reference that teaches or enables each of the claimed elements (arranged as in the claim) expressly or inherently as interpreted by one of ordinary skill in the art. In the present application, the

Applicant submits that a *prima facie* case of anticipation has not been established.

Applicant respectfully notes that the '752 *Nelson* reference does not disclose the length of the sight groove being longer than the width of the sight groove (See Fig. 2) of the *Nelson* reference. Instead, the length and width of the '752 *Nelson* reference have the same dimension. In the present application, the thickness length of the sight groove is longer than the width of the sight groove since the thickness determines the margin of error when sighting through the sight groove. The length of the sight groove obscures the forward sight when the bow is misaligned. As recited in new claim 25, the length has a dimension of a $\frac{1}{4}$ inch. The '752 *Nelson* reference does not teach there limitations. As such, the '752 *Nelson* reference does not anticipate the present application.

Furthermore amended Claims 1, 8, 14, and 19 and new claim 23 recite that the rear sight is movable along three axis of movement relative to the bow. The '752 *Nelson* reference does not teach this limitation. In contrast, the '752 reference teaches moving the sight groove 48 along the sight cap 26 and along fastening means 52. As such, the '752 *Nelson* reference does not anticipate the present application.

Dependent claims, by their nature, include all of the limitations of the parent independent claim and any intervening claims from which they depend. Claims 2, 3, 6, 7, 9-13, 15-18, 20, 22 and 24 each depends directly or indirectly from independent Claims 1, 8, 14, 19 and 23 and accordingly, are believed

allowable under 35 U.S.C. § 102 (b) over the '752 *Nelson* reference for at least the same reasons as independent Claims 1, 8, 14, 19 and 23.

II. Rejection of Claims 5, 6, 7, 9, 11, 12, 13, 16 and 18 Under 35 U.S.C. § 103(a)

Claims 5, 6, 9, 11, 12 & 16 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the '752 *Nelson* reference in view of Fredrickson (U.S. Patent 2,642,661) ("the '661 *Fredrickson* reference). Claim 18 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the '752 *Nelson* reference and the '661 *Fredrickson* reference as applied to claims 5, 6, 9, 11, 12, & 16 above, and further in view of Schroeder (U.S. patent No. 4,220,983).

Dependent claims, by their nature, include all of the limitations of the parent independent claim and any intervening claims from which they depend. Claims 5, 6, 7, 9, 11, 12, 13, 16 and 18 each depends directly or indirectly from independent Claims 1, 8, 14, and 19 and accordingly, are believed allowable under 35 U.S.C. § 103 (a) over the these references for at least the previous reasons as independent Claims 1, 8, 14 and 19.

Without acquiescing the allow ability of Claims 5, 6, 7, 9, 11, 12, 13, 16 and 18 based on their respective allowed independent claims, Applicant states that, under M.P.E.P. § 2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation for

success. Finally, the prior art reference (or references when combined) must teach or suggest all the claimed limitations.

The Applicant submits that it is improper to combine the references where the references teach away from their combination. (See: M.P.E.P. § 2145 X.D.2). Furthermore, if the prior art references require some modification in order to meet the claimed invention or requires some modification in order to be properly combined with another reference and such modification destroys the purpose or function of the invention disclosed in the reference, one of ordinary skill in the art would not have found a reason to make the claimed invention. (See: M.P.E.P. § 2143.01). (Emphasis added). In other words, the proposed modification cannot render the prior art unsatisfactory for its intended purpose.

The *Nelson* and *Frederickson* references are integrated front and rear sights. The teachings of these references cannot be utilized with any front sight which is already positioned on the bow. In contrast, since the rear sight of the present application is a stand-alone rear sight, the rear sight of the present application can work with any existing front sight positioned on the bow. Applicant's rear sight allows archers to purchase any desired front sight since the rear sight is non-integral with any front sight.

There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings since the reference teach integrated front and rear sights. Any modification of the *Nelson* and *Frederickson* reference, such as separating the integrated front and rear sights of

these references, would render these references unsatisfactory for their intended purpose or function. Furthermore, the references do not teach or suggest the limitations of the sight groove moveable along three axis of movement.

III. Conclusion

Based on the foregoing, the allowance of claims 1-14, 16-20 and 22-24 is requested. If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,



Brian J. Gill, Reg. No. 46,727
Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Drive, Suite 200
St. Louis, Missouri 63131
Tel: (314) 238-2400
Fax: (314) 238-2401
bgill@patpro.com